

**REMARKS****Response to Claim Rejections Under 35 U.S.C. §103**

Claims 1, 7, 17-20, 22, 23, 27-29, 31-33, 35-45, 51-59, 63-65, 69, 71-74 and 83-87 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Miller et al. (6,758,824) in view of Levin (U.S. Pat. No. 5,578,030). In response applicants have focused the claims toward the embodiment shown in Figs. 19-22. The claims directed to this embodiment call for the tissue cutting member to have a beveled distal tip with at least one outer tissue cutting edge configured to engage the tissue cutting edge of the outer tubular member. Neither Miller nor Levin teach or suggest these features. Specifically, the outer tubular members of Miller and Levin do not have tissue cutting edges, particularly tissue cutting edges which engage the tissue cutting edges of the tissue cutting member. As a result, these reference fail to teach all the features of the claimed invention and therefore do not render the pending claims unpatentable under 35 U.S.C. §103(a) as contended by the Examiner.

Claims 2-6, 8-16, 21, 24-26, 28, 30 and 34 are rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Miller et al. ('824) in view of Levin ('030) and further in view of Ouchi (U.S. Pat. No. 6,514,215). However, Ouchi fails to make up for any of the deficiencies of Miller and Levin and so the combination of references as proposed by the Examiner again fail to teach all the features of the claimed invention. By failing to teach all the features of the claims, the combination of references do not render the claims unpatentable under 35 U.S.C. §103(a).

Claims 60-62, 75-82 and 88-96 were are rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Miller et al. ('824) in view of Levin ('030)

and further in view of Clement (U.S. Pat. No. 5,335,671). However, the slots (346) described by Clement are in the proximal end of the shaft, not in the distal shaft portion and they do not open to the tissue receiving opening in the distal tip. As a result the combined references fail to teach all the features of the rejected claims and therefore cannot render these claims unpatentable under 35 U.S.C. §103(a).

### **Conclusions**

Applicants believe that the presently pending claims are directed to patentable subject matter and respectfully request reconsideration and an early allowance.

Respectfully submitted,

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